

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : H. S. Gifford III et al.

Serial No. : Art Unit:

Filed : Examiner:

For : Devices and Methods for Performing a Vascular  
Anastomosis

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Commissioner For Patents, Washington, D.C. 20231 on

March 31, 2004

(Date of Deposit)

Brian S. Tomko

(Name of applicant, assignee, or Registered Representative)



(Signature)

March 31, 2004

(Date of Signature)

Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e)  
(attached); or
- ☐ Please charge Deposit Account No. 10-0750/ /  
the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☒ Copies of references listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. 10/790,540, filed March 1, 2004, which is a continuation of application Serial No. 10/339,434, filed January 9, 2003.
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ There are no listed references which are not in the English language.

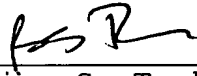
☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/HRT-0256C3/BST. This form is submitted in triplicate.

Respectfully submitted,



\_\_\_\_\_  
Brian S. Tomko  
Reg. No. 41,349  
Attorney for Applicants

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-1239  
DATED: March 31, 2004

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 5 of 5

**Application Number****Filing Date****First Named Inventor**

H. Gifford III

**Group Art Unit****Examiner Name****Attorney Docket Number**

HRT0256C3

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		1,251,258		Magill	12/1917	
		1,918,890		Bacon	7/1993	
		2,434,030		Yeomans	1/1948	
		2,453,056		Zack	11/1948	
		2,638,901		Sugarbaker	5/1953	
		2,707,783		Sullivan	5/1955	
		3,040,748		Klein, et al.	6/1962	
		3,080,564		Strekopitov et al.	3/1963	
		3,193,165		Akhalaya, et al.	7/1965	
		3,217,557		Martinot	11/1965	
		3,252,643		Strekopytov, et al.	5/1966	
		3,254,650		Collito	6/1966	
		3,254,651		Collito	6/1966	
		3,269,630		Fleicher	8/1966	
		3,388,847		Kasulin, et al.	6/1968	
		3,452,615		Gregory	7/1969	
		3,494,533		Green, et al.	2/1970	
		3,519,187		Kapitanov	7/1970	
		3,552,626		Astafiev, et al.	1/1971	
		3,589,589		Akopov	6/1971	
		3,593,903		Astafiev, et al.	7/1971	
		3,638,652		Kelley	2/1972	
		3,692,224		Astafiev, et al.	9/1972	
		3,774,615		Lim, et al.	11/1973	
		3,805,793		Wright	4/1974	
		4,166,466		Jarvik	9/1979	
		4,304,236		Conta, et al.	12/1981	
		4,319,576		Rothfuss	3/1982	
		4,325,376		Klieman, et al.	4/1982	
		4,350,160		Koslesov, et al.	9/1982	
		4,352,358		Angelchik	10/1982	
		4,366,819		Kaster	1/1983	
		4,368,736		Kaster	1/1983	

	4,505,414	Filipi	3/1985
	4,523,592	Daniel	6/1985
	4,553,542	Schenck, et al.	11/1985
	4,573,468	Conta, et al.	3/1986
	4,576,167	Noiles	3/1986
	4,586,503	Kirsch, et al.	5/1986
	4,593,693	Schenck	6/1986
	4,603,693	Conta, et al.	8/1986
	4,607,637	Berggren, et al.	8/1986
	4,624,255	Schenck, et al.	11/1986
	4,624,257	Berggren, et al.	11/1986
	4,646,745	Noiles	3/1987
	4,657,019	Walsh, et al.	4/1987
	4,665,906	Jervis	5/1987
	4,703,887	Clanton, et al.	11/1987
	4,747,407	Liu, et al.	5/1998
	4,907,591	Vasconcellos, et al.	3/1990
	4,917,087	Walsh, et al.	4/1990
	4,917,090	Berggren, et al.	4/1990
	4,917,091	Berggren, et al.	4/1990
	4,957,499	Lepstove, et al.	9/1990
	5,119,983	Green, et al.	6/1992
	5,197,649	Bessler, et al.	3/1993
	5,234,447	Kaster, et al.	8/1993
	5,242,457	Akopov, et al.	9/1993
	5,271,543	Grant, et al.	12/1993
	5,292,053	Bilotti, et al.	3/1994
	5,324,447	Lam, et al.	6/1994
	5,333,773	Main, et al.	8/1994
	5,336,233	Chen	8/1994
	5,348,259	Blanco, et al.	9/1994
	5,366,462	Kaster, et al.	11/1994
	5,478,354	Tovey, et al.	12/1995
	5,522,834	Fonger, et al.	6/1996
	5,549,619	Peters, et al.	8/1996
	5,554,162	DeLange	9/1996
	1,756,670	Treat	4/30
	2,453,056	Zack	11/1948
	3,570,497	Lemole	3/71
	3,657,744	Ersek	4/72
	3,908,662	Razgulov et al.	9/75
	4,076,162	Kapitanov et al.	2/78

		4,140,126	Choudhury	2/20/79	
		4,214,587	Sakura, Jr.	7/29/80	
		4,233,981	Schomacher	11/18/80	
		4,466,436	Lee	8/84	
		4,592,354	Rothfuss	5/86	
		4,681,110	Wiktor	7/87	
		4,700,703	Resnick et al.	10/87	
		4,872,874	Taheri	10/89	
		5,035,702	Taheri	7/9	
		5,064,435	Porter	11/12/91	
		5,188,638	Tzakis	2/23/93	
		5,250,058	Miller et al.	10/5/93	
		5,330,503	Yoon	7/94	
		5,395,030	Kuramoto et al.	3/95	
		5,403,333	Kaster et al.	4/95	
		5,456,714	Owen	10/10/95	
		5,489,295	Piplani et al.	2/6/96	
		5,562,728	Lazarus et al.	10/8/96	
		5,620,452	Yoon	4/97	
		5,634,936	Linden et al.	6/97	
		5,709,335	Heck	1/98	
		5,720,776	Chuter et al.	2/24/98	
		5,755,775	Trerotola et al.	5/26/98	
		5,755,777	Chuter	5/26/98	
		5,843,164	Frantzen et al.	12/1/98	
		5,843,170	Ahn	12/1/98	
		5,868,760	Stevens et al.	2/1999	
		5,906,607	Taylor et al	5/1999	
		5,927,284	Borst et al.	7/1999	
		6,015,378	Borst et al.	1/2000	
		6,019,722	Spence et al.	2/2000	
		6,032,672	Taylor	3/2000	
		6,063,021	Hossain et al.	5/2000	
		6,071,235	Furnish et al.	6/2000	
		6,120,187	Donlon	8/2000	
		6,139,492	Vierra et al.	10/2000	
		6,190,353	Makower et al.	2/2001	
		6,616,675	Evard et al.	9/2003	

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 4 of 54

**Application Number****Filing Date****First Named Inventor**

H. Gifford III

**Group Art Unit****Examiner Name****Attorney Docket Number**

HRT-0256C3

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				
		EP	0137685			4/1995		
		GB	2018418			5/1986		
		NL	7711347			4/1979		
		SU	995765			2/1983		
		SU	1097301			6/1984		
		GB	935,490		Leonid I. Kukushkin	9/19/59		
		GB	2038692		Noiles	7/80		
		EP	0 384 647	A1	Barak	29/08/90		
		EP	0419 660	A1	Kanshin & Lipatov	3/4/91		
		EP	0 539 237	A1	Cook, Inc.	28/4/93		
		EP	0 637 454	A1	Endovascular Technologies, Inc.	2/8/95		
		EP	0 712 614	A1	Advanced Cardiovascular Systems, Inc.	5/22/96		
		FR	1518083		H. Pfau-Wanfried	12/2/68		
		WO	89/08433	A1	Lazarus, Harrison M.	9/21/89		
		WO	96/14808	A1	Advanced Cardiovascular Systems, Inc.	5/23/96		

Examiner  
Signature

Date

Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 5 of 5

<b>Application Number</b>	
<b>Filing Date</b>	
<b>First Named Inventor</b>	H. Gifford III
<b>Group Art Unit</b>	
<b>Examiner Name</b>	
<b>Attorney Docket Number</b>	HRT0256C3

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner's Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		ANDROSOV, "New Method of Surgical Treatment of Blood Vessel Lesions," Arch. Surg. 1956;73:262-265.	
		BERGGREN et al., "Clinical Experience with UNILINK 3M Precise Microvascular Anastomotic Device," Scand J Plast Reconstr Hand Surg. 1993;27:35-39	
		COOPER et al., "Development of the Surgical Stapler with Emphasis on Vascular Anastomosis," NY Acad. Sci. 1963;25:365-377.	
		GENTILI et al., "A Technique for Rapid Non-suture Vascular Anastomosis," Can J Neuro Sci. 1987;14(1):92-95.	
		GOETZ et al., "Internal Mammary-coronary Artery Anastomosis: A Nonsuture Method Employing Tantalum Rings," J Thorac Card Surg. 1961;41(3):378-386.	
		GOTTLLOB et al., "Anastomoses of Small Arteries and Veins by Means of Bushings and Adhesive," J Card Surg. 1968;9:337-341.	
		GUYTON et al., "A Mechanical Device for Sutureless Aorta-Saphenous Vein Anastomosis," Ann Thorac Surg. 1979;28:342-345.	
		HOLT et al., "A New Method for Microvascular Anastomosis: Report of Experimental and Clinical Research," The American Surgeon. 1992;58(12):722-727.	
		HOLT et al., "A New Technique for End-to-end Anastomosis of Small Arteries," Surg Forum. 1960;11:242.	
		INOKUCHI, "A New Type of Vessel-suturing Apparatus," AMA Arch Surg. 1958;77:954-957	
		INOKUCHI, "Stapling Device for End-to-side Anastomosis of Blood Vessels," Arch Surg. 1961;82:27-31.	
		KIRSCH et al., "A New Method for Microvascular Anastomosis: Report of Experimental and Clinical Research," American Surgeon. 1992;58:722-727.	
		KIRSH et al., "A New Technique for End-to-end Anastomosis of Small Arteries," Surgical Forum. 1960;11:242-243.	
		LANZETTA et al., "Long-term Results of 1 Millimeter Arterial Anastomosis Using the 3M Precise Microvascular Anastomotic System," Microsurgery. 1992;13:313-320.	
		LI et al., "End-to-side-anastomosis in the Dog Using the 3M Precise Microvascular Anastomotic System: A Comparative Study," J Reconstruct Microsurg. 1991;7(4):345-350.	
		MILLER, "The Russian Stapling Device," Acad Sci. 1963;25:378-381.	
		NAKAYAMA et al., "A Simple New Apparatus for Small Vessel Anastomosis (free autograft of the sigmoid included)," Surgery. 1962;52(6):918-931.	
		NARTER et al., "An Experimental Method for Nonsuture Anastomosis of the Aorta," Surg Gyne & Obs. 1964;632-361.	
		OLEARCHYK, "Vasilii I. Kolesov-A Pioneer of Coronary Revascularization by Internal Mammary-coronary Artery Grafting," J Thorac Surg. 1988;96(1):13-18.	
		RAGNARSSON et al., "Arterial End-to-side Anastomosis with the UNILINK System," Ann Plastic Surg. 1989;22(3):405-415.	
		RAGNARSSON et al, "Microvenous End-to-side Anastomosis: An experimental Study Comparing the UNILINK System and Sutures," J Reconstruct Microsurg. 1989;5(3):217-224.	
		ROHMAN et al., Chapter IX-Cardiovascular Technique, "Double Coronary Artery-internal Mammary Artery Anastomoses, Tantalum Ring Technique," Surg Forum. 1960;11:263-243.	
		VOGELFANGER et al., "A Concept of Automation in Vascular Surgery: A Preliminary Report on a Mechanical Instrument for Arterial Anastomosis," Can J Surg. 1958;58:262-265.	
		Nazari et al., "Expandable Prosthesis for Sutureless Anastomosis in Thoracic Aorta Prosthetic Substitution",European Journal of Cardiothoracic Surgery, Vol. 10, No. 11, 1996, pp1003-1009	
		J. Rosch et al., "Modified Gianturco Expandable Wire Stents in Experimental and Clinical Use", Annals of Radiology, 1998, 31, 2, pp. 100-104	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.  
 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.